IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1215 OF 2006

M/s.Nath Holding and
Investment Pvt. Ltd. .. Petitioner.
Vs.
Bank of India & Anr. .. Respondents.

Mr.M.L.Sharma for the petitioner.
Mr.A.S.Shitole A.P.P. for the State.

CORAM : D.B.BHOSALE, J.

DATED : 27TH JUNE, 2006

P.C.:

. Heard learned counsel for the parties.

2. The issue of process is under challenge in the instant petition solely on the ground that the demand of payment was not made by the registered notice after the cheque was returned unpaid. In paragraphs 5 and 6 of the complaint, it is clearly mentioned that the notice was served by hand delivery and despite having received the notice on 13.10.1999 the accused failed and neglected to make payment. The factum of receipt of the notice by hand delivery is not denied. The challenge is only on the ground that it was not registered notice. The requirement of the provisions of section 138 is only the demand for the payment of said amount by notice in writing to the drawer of the cheque within 30 days. In my opinion, the

hand delivery of notice is a good notice as contemplated under section 138 of the Act. In view of the peculiar facts and circumstances of the case the judgment relied upon by the learned counsel for the petitioner in **Sadanandan Bhadran Vs. Madhavan Sunil Kumar AIR 1998 SC 3043** is of no avail to the petitioner. The writ petition is, accordingly, dismissed.

(D.B.Bhosale, J.)